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February 21, 2008

VIA FACSIMILE

Honorable Charles L. Brieant  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

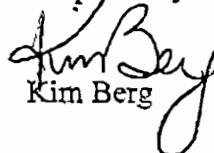
Re: Sinkov v. Smith, et al.,;  
07 Civ 2866 (CLB)(MDF)

Dear Judge Brieant:

The parties to the above referenced matter have recently commenced settlement discussions. However, we believe that assistance from a Magistrate Judge would be beneficial in coming to a resolution.

Therefore, I am writing on behalf of and with the consent of all parties to respectfully request that the Court refer this matter to Magistrate Judge Lisa M. Smith for settlement purposes.

Respectfully submitted,

  
Kim Berg

KB:nb

cc: James A. Randazzo, Esq. (via facsimile)  
Adam I. Kleinberg, Esq. (via facsimile)  
Timothy Coon, Esq. (via facsimile)